



Express Mail Label
No. EV669637822US

PATENTS
UV-52

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Michael D. Ellis et al.
Application No. : 09/330,519 Confirmation No. : 9514
Filed : June 11, 1999
For : INTERACTIVE TELEVISION PROGRAM GUIDE
WITH ON-DEMAND DATA SUPPLEMENTATION
Art Unit : 2611
Examiner : Hai V. Tran

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
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New York, New York 10020
May 17, 2006

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Pursuant to 1296 Off. Gaz. 2 (July 12, 2005), applicants request review of the final rejection of claims 51-56, 58, 60-81, 83, 85-106, 108, and 110-125 in the above-identified application. No amendments are being filed with this Request. This Request is being filed with a Notice of Appeal.

Arguments begin on page 2 of this paper.

ARGUMENTS

I. Introduction

Claims 51-56, 58, 60-81, 83, 85-106, 108, and 110-125 are pending in this case.

The Examiner has rejected claims 51, 52, 54-56, 58, 65, 66, 68, 71-77, 79-81, 83, 90, 91, 93, 96-102, 104-106, 108, 115, 116, 118, and 121-125 under 35 U.S.C. § 102(e) as being anticipated by Matthews, III et al. U.S. Patent No. 6,025,837 (hereinafter "Matthews"). The Examiner has also rejected claims 60-64, 67, 69, 70, 85-89, 92, 94, 95, 110-114, 117, 119, and 120 under 35 U.S.C. § 103(a) as being unpatentable over Matthews in view of Shoff et al. U.S. Patent No. 6,240,555 (hereinafter "Shoff"). In addition, the Examiner has rejected claims 53, 78, and 103 under 35 U.S.C. § 103(a) as being unpatentable over Matthews in view of Davis U.S. Patent No. 5,559,548 (hereinafter "Davis").

Applicants respectfully submit that the Examiner has failed to establish a proper rejection of applicants' independent claims under 35 U.S.C. § 102(e) in the final Office action of February 8, 2006 (hereinafter "Office Action"). In particular, applicants respectfully submit that Matthews fails to disclose each and every element of applicants' independent claims.

II. Applicants' Reply to the Rejection Under 35 U.S.C. § 102(e)

Applicants' independent claims 51, 76, and 101 are directed to an interactive television program guide system with a local memory and a remote memory. The local memory is configured to store program guide data for use by the interactive television program guide. The remote memory is configured to store supplemental data for access by the interactive television program guide. The supplemental data may include, for example, detailed

descriptions, biographies, video and audio clips, and trivia (see, e.g., applicants' specification at page 19, lines 17-30).

The interactive television program guide monitors a user's current actions in navigating through the guide to determine a potential upcoming need for a given portion of supplemental data. Responsive to current actions that indicate the potential upcoming need, the system automatically supplies the given portion of the supplemental data from the remote memory to the interactive television program guide in advance of the upcoming need. For example, the user's actions in navigating through the interactive television program guide may include browsing through programs in a program listings grid. This browsing may indicate a potential upcoming need for supplemental data related to the program listing currently displayed on the monitor. In response to the browsing, the program guide system may automatically supply supplemental information for the programs displayed on the monitor from the remote memory to the interactive program guide, in advance of any upcoming need for the supplemental information (see, e.g., applicants' specification, FIG. 4 and page 21, lines 1-19).

Applicants respectfully submit that Matthews fails to show or suggest 1) monitoring the user's current actions in navigating through the guide to determine a potential upcoming need for a given portion of supplemental data, and 2) responding to current actions that indicate the potential upcoming need by supplying the given portion of supplemental information from the remote memory to the interactive television program guide in advance of the upcoming need.

Matthews discloses an interactive entertainment system with an electronic program guide (hereinafter "EPG"). FIG. 5 of Matthews shows an EPG user interface 110 including a program grid 118 and a program summary panel 120 (see Matthews, FIG. 5 and

col. 9, lines 1-4). The user selects a program in program grid 118 by moving a focus frame 126 horizontally or vertically within program grid 118 until it is overlaid on the desired program (see Matthews, col. 9, lines 26-32). Program summary panel 120 can display program-related information and clips for the selected program (see Matthews, col. 9, lines 33-44).

The Examiner points out that "[t]he EPG 104 inserts the appropriate data records into the EPG UI for display as the viewer maneuvers the focus frame 126 around the grid" (see Office Action, pages 2-4, quoting Matthews, col. 9, lines 52-55). The Examiner contends that, because of this insertion of data records, "[Matthews] 'appropriate data records' [are] pre-cached . . . from the remote memory and . . . inserted to the EPG UI based on the viewer [maneuvering] of the focus frame . . . for displaying as needed" (Office Action, page 2, emphasis added).

Applicants respectfully submit that the Examiner's comments quoted above directly contradict the Examiner's rejection of applicants' claims under 35 U.S.C. § 102(e). Matthews teaches the downloading of data records either in response to viewer requests or on a periodic basis (see Matthews, col. 9, lines 49-52). As observed by the Examiner, these data records are retrieved and displayed "as needed." In other words, data for populating program grid 118 and a program summary panel 120 are downloaded as the user requests that data for display through his interaction with the EPG. The EPG server transmits the data records in response to a current need for the data, not a "potential upcoming need," which may or may not arise. As an alternative, the data can be sent on a periodic basis, independent of the user's interactions with the EPG. Neither of these approaches disclosed in Matthews shows or suggests 1) monitoring the user's current actions in navigating through the guide to determine a potential upcoming need for a given portion of supplemental data, or 2) responding to current actions that indicate the potential upcoming need by supplying the given portion of supplemental information

from the remote memory to the interactive television program guide in advance of the upcoming need, as defined by applicants' independent claims 51, 76, and 101.

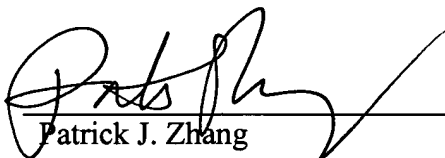
Although not relied upon in the Office Action for the rejection of applicants' independent claims 51, 76, and 101, applicants note that Matthews discloses that "the system might pre-cache supplemental information about certain shows before they air based on predictive viewing tendencies, or as part of a promotional data broadcast advertising the show" (Matthews, col. 10, lines 6-10). Applicants respectfully submit that this disclosure of Matthews still does not make up for the deficiencies of the Examiner's rejection described above. The use of "predictive viewing tendencies" suggests an approach for predicting which shows the user is likely to watch based on the user's past viewing history. In contrast, applicants' independent claims 51, 76, and 101 define the monitoring of a user's current actions to determine a potential upcoming need for supplemental information, and the supplying of that supplemental information in response to the current actions that are indicative of the potential upcoming need.

III. Conclusion

For at least the foregoing reasons, applicants submit that independent claims 51, 76, and 101 are allowable over the prior art of record. Applicants further submit that claims 52-56, 58, 60-75, 77-81, 83, 85-100, 102-106, 108, and 110-125 are allowable for at least the same

reasons as their respective base claims. Reconsideration and allowance are therefore respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patrick J. Zhang', is written over a horizontal line.

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